

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA**

LISA LAMBERT)	
)	
)	
v.)	
)	Civil Action No. 96-247
)	Judge Sean J. McLaughlin
WILLIAM WOLFE; KEITH)	Magistrate Judge Susan Paradise Baxter
BARLETT, JOHN RAUN;)	
JAMES EICHER; and VICTORIA)	
KORMANIC)	
)	
)	Electronically Filed

MOTION FOR EXTENSION OF TIME TO FILE SUMMARY JUDGMENT

AND NOW, comes the Defendants, Wolfe, Bartlett, Raun, and Kormanic, by their attorneys Thomas W. Corbett, Jr., Attorney General, Robert A. Willig, Senior Deputy Attorney General, Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and respectfully submit the following:

1. By text Order dated July 18, 2006, this Honorable Court ordered that discovery would close on August 18, 2006, the Defendants' motion for summary judgment was to be filed on or before September 6, 2006, and the Plaintiff's response to the Defendants' motion for summary judgment was due on or before September 26, 2006. Discovery was provided to the Plaintiff in accordance with this Court's Order.

2. Since this Court's July 18, 2006 Order, the undersigned has filed the following in the United States District Court for the District of Western Pennsylvania: a motion for summary judgment in the case of *Carston v. Sacks*, 03-1490; a motion to dismiss, or in the alternative, a motion for summary judgment in the case of *Goldhaber v. Higgins*, 06-134; a response to Plaintiff's response to Defendants' motion to dismiss, or

in the alternative, motion for summary judgment in the case of *Clemens v. SCI-Albion*, 05-325E; a motion to dismiss in the case of *Sullenberger v. Jobe*, 06-430; a motion to dismiss, or in the alternative, motion for summary judgment in the case of *Johnson v. James*, 05-307J; a motion to dismiss in the case of *Kline v. Valentic*, 06-642; and an answer in the case of *Robinson v. Johnson*, 03-1545.

3. The undersigned has the following due in the United States District Court for the District of Western Pennsylvania in the next several weeks: a response to Plaintiff's amended complaint filed in the *Goldhaber v. Higgins* case listed above after the Defendants filed various motions to dismiss and motions for summary judgment; a response in the case of *Muhammad v. Beard*, 06-93J; a response in the case of *Barton v. Patrick*, 06-107J; and a response in the case of *Johnson v. Dutko*, 06-44J

4. The undersigned has the following due in the Court of Common Pleas of Allegheny County in the next several weeks: a response in the case of *Peterson v. Prelude*, Civil Division, No. GD 05-21435.

5. The undersigned has been involved with on-going discovery in the case of *Guerrero v. Slippery Rock University*, 05-154. He was involved in all day depositions in Pittsburgh and at Slippery Rock on August 1-4, 14, 15, 21, and 23, 2006. The undersigned has also been involved with on-going discovery in the case of *Burns v. Slippery Rock University*, 06-318. He was involved in all day depositions on July 19, 20, and August 31, 2006. As a result, the undersigned was not able to work of this case during those days.

6. The undersigned has been assisting the lead attorney in the case of *Voices of Independence v. PennDOT*, 06-78E. He met with PennDOT officials and City of

Meadville attorneys in Meadville, PA on July 26, 2006. He met with Plaintiff's attorney, PennDOT officials, City of Meadville attorneys and representatives, and City of Erie attorneys and representatives in Erie, PA on July 27, 2006. As a result, the undersigned could not work on this case during those days.

7. Your petitioner is an officer in the U.S. Army Reserve. He was required to complete duty in Norristown, PA, outside of Philadelphia, from August 7-9, 2006. He was also called to active duty from August 17-21, 2006 to help process approximately 250 reserve soldiers for possible deployment to Iraq/Afghanistan. As a result, he could not work on this case during those days.

8. The file in this case is voluminous. It consists of twenty-nine (29) expandable folders and literally thousands of pages of documents. Moreover, Plaintiff's June 19, 2006 discovery request required the Defendants to contact the Department of Corrections to see if there are any materials that update the original discovery provided years ago. Complying with the Plaintiff's updated discovery request was time consuming.

WHEREFORE, the Defendants request an additional thirty (30) days or until October 6, 2006 in which to file their motion for summary judgment.

Respectfully submitted,

Thomas W. Corbett, Jr.
Attorney General

/s/ Robert A. Willig
ROBERT A. WILLIG
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Susan J. Forney
Chief Deputy Attorney General

Date: September 6, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion for Extension of Time to File Discovery was served upon the following via ECF this 6th day of September 2006:

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Date: September 6, 2006